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SUMMARY RECORD OF THE 55th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

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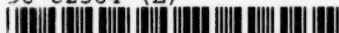
AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS:

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
(continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS:

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS
(continued) (A/C.3/51/L.70/Rev.1)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/C.3/51/L.40, L.43, L.44, L.61, L.64/Rev.1, L.66, L.68)

Draft resolution A/C.3/51/L.70/Rev.1

1. The CHAIRMAN informed the Committee that draft resolution A/C.3/51/L.70/Rev.1, entitled "United Nations Decade for Human Rights Education and public information activities in the field of human rights", had no programme budget implications.
2. Ms. DE WET (Namibia) announced that Bangladesh, Botswana, Canada, France and the Netherlands had become sponsors of the draft resolution. She then orally revised the draft resolution as follows: in the eighth preambular paragraph, the words "their full human rights" were to be replaced by the words "all their human rights"; in operative paragraph 3, after the words "by establishing", the words "in accordance with national conditions" were to be inserted and the words "as agents for" were to be replaced with the words "to work towards"; a new operative paragraph was to be inserted after paragraph 5, reading: "6. Welcomes the efforts made by the United Nations High Commissioner for Human Rights with the Department of Public Information of the Secretariat to increase cooperation with the media, including by the provision of timely and relevant information on human rights issues;" and the subsequent paragraphs were to be renumbered accordingly; and in operative paragraph 10 (former paragraph 9), the words "existing human rights monitoring bodies and special rapporteurs" were to be replaced with the words "human rights mechanisms".
3. Draft resolution A/C.3/51/L.70/Rev.1, as orally revised, was adopted.
4. Ms. SAIGA (Japan) said that she had supported the proposed text, but with reservations stemming essentially from the fact that the draft resolution merged two distinct issues which, although closely related, were equally important and should not be confused with one another. Human rights education was a fundamental issue meriting its own separate resolution. Japan had created a commission to promote human rights education, chaired by the Prime Minister; that commission was in the process of formulating a national plan of action for the Decade and had also launched a range of activities pursuant to General Assembly resolution 50/177. It might now have to modify ongoing programmes to take account of the new elements introduced by the resolution which had just been adopted. Moreover, while the merger of the two issues would allow the organization of activities to be rationalized to a certain degree, it also created extra work, since the issue of information activities in the field of human rights would have to be examined yearly, instead of every two years as it was at present.

5. The CHAIRMAN announced that Mali had asked to join the sponsors of the draft resolution, but that that was not permissible under the Committee's rules of procedure because the resolution had already been adopted.

Draft resolution A/C.3/51/L.61

6. The CHAIRMAN informed the Committee that Monaco, Romania, Slovakia and the former Yugoslav Republic of Macedonia had become sponsors of draft resolution A/C.3/51/L.61, entitled "The situation of human rights in the Sudan" and that the draft resolution had no programme budget implications.

7. Ms. WAHBI (Sudan) explained that her delegation had been forced to resort to requesting a recorded vote on the draft resolution because, despite all its efforts, the concerns expressed by the Sudan had not been duly accommodated in the draft. She stressed that cooperation and coordination, not confrontation and predetermined condemnation, were the only viable path if the international community genuinely wanted to achieve concrete results in the field of human rights. The Sudan was unreservedly committed to respect for and the promotion and protection of human rights. It was working and would continue to work to that end. However, under no circumstances would it accept the use of human rights issues as a means of political pressure or as a tool to compromise its sovereignty and principles and its commitment to respect all the human rights of its citizens.

8. Mr. AL-HUMAIMIDI (Iraq), speaking in explanation of vote before the voting, said that if Iraq had had the right to vote (which it had lost because of its failure to pay its assessed contribution), his delegation would have been voting against the draft resolution, which was essentially politically motivated and in no way served the case of human rights.

9. Mr. WISSA (Egypt), reserving the right to make a general statement on the draft resolution in the plenary Assembly, said that he would abstain in the voting, for while human rights must absolutely be respected by all countries, the conduct of States in that regard must also be judged non-selectively. New criteria were being applied which had not received unanimous support in the Commission on Human Rights. Egypt rejected any interference in the internal affairs of a country and was categorically opposed to sending human rights observers to the Sudan, a measure that should be envisaged only after consulting that country and directly obtaining its consent. Egypt could not accept any measure that might threaten the unity and territorial integrity of that State.

10. Ms. WAHBI (Sudan) reserved the right to explain in the plenary Assembly the position that she would take in the vote on the draft resolution.

11. At the request of the representative of the Sudan, a recorded vote was taken on draft resolution A/C.3/51/L.61.

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Belize, Bolivia, Botswana, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Dominican Republic, El Salvador, Ecuador, Eritrea, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece,

Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Jamaica, Japan, Kazakstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Namibia, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, San Marino, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia, Zimbabwe.

Against: China, Comoros, Cuba, India, Indonesia, Iran (Islamic Republic of), Jordan, Libyan Arab Jamahiriya, Myanmar, Nigeria, Pakistan, Qatar, Saudi Arabia, Sudan, Syrian Arab Republic, Viet Nam.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Bhutan, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Côte d'Ivoire, Democratic People's Republic of Korea, Egypt, Fiji, Gabon, Ghana, Guinea, Guinea-Bissau, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Maldives, Mali, Mauritania, Morocco, Mozambique, Nepal, Niger, Oman, Papua New Guinea, Philippines, Republic of Korea, Saint Lucia, Senegal, Sierra Leone, Sri Lanka, Swaziland, Thailand, Tunisia, United Arab Emirates.

12. Draft resolution A/C.3/51/L.61 was adopted by 93 votes to 16, with 45 abstentions.

13. Mr. JOYENDA (Afghanistan) informed the Committee that he had intended to vote against the draft resolution.

14. Mr. AMEGBLEAME (Togo) said that his vote, an abstention, had not been recorded.

Draft resolution A/C.3/51/L.64/Rev.1

15. The CHAIRMAN announced that the following countries had become sponsors of draft resolution A/C.3/51/L.64/Rev.1, entitled "Situation of human rights in Rwanda": Andorra, Austria, Belgium, Benin, Cambodia, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Israel, Italy, Luxembourg, Netherlands, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovakia, Spain, Sweden, The former Yugoslav Republic of Macedonia, Tunisia, United Kingdom of Great Britain and Northern Ireland and United States of America. She also noted that the draft resolution had no programme budget implications.

16. Draft resolution A/C.3/51/L.64/Rev.1 was adopted without a vote.

Draft resolution A/C.3/51/L.66

17. The CHAIRMAN announced that the following countries had become sponsors of draft resolution A/C.3/51/L.66, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia": Afghanistan, Andorra, Argentina, Austria, Azerbaijan, Belgium, Canada, Costa Rica, Croatia, Czech Republic, Denmark, Djibouti, Dominican Republic, Egypt, Ecuador, Finland, France, Gambia, Germany, Greece, Hungary, Ireland, Israel, Italy, Latvia, Liechtenstein, Luxembourg, Mauritania, Monaco, Mozambique, Nepal, New Zealand, Norway, Panama, Philippines, Portugal, Qatar, Republic of Korea, Singapore, Solomon Islands, Spain, Sudan, Sweden, The former Yugoslav Republic of Macedonia, United Kingdom of Great Britain and Northern Ireland, United States of America and Yemen. She also noted that the draft resolution had no programme budget implications.

18. Ms. NEWELL (Secretary of the Committee) said that the sponsors had made some changes to the draft resolution: in the sixth preambular paragraph, the words "which has been used" had been deleted before the words "in fulfilling the policy of ethnic cleansing"; the words "including by providing full access" had been added at the end of paragraph 10; in paragraph 12, the words "as appropriate" had been deleted; and paragraph 13 had been deleted.

19. Mr. BYRNE (Ireland), speaking on behalf of the European Union, said that he endorsed the draft resolution but felt that that very serious issues would have been more appropriately addressed in the draft resolution on the situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro) (A/C.3/51/L.68). He hoped that that would be the case at the fifty-second session, since it was very important not to lose sight of the issue.

20. Draft resolution A/C.3/51/L.66 was adopted without a vote.

Draft resolution A/C.3/51/L.68

21. The CHAIRMAN announced that Australia, Austria, Bangladesh, Belgium, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Iceland, Iran (the Islamic Republic of), Ireland, Italy, Jordan, Kuwait, Lithuania, Luxembourg, Malaysia, Monaco, Netherlands, New Zealand, Norway, Portugal, San Marino, Senegal, Spain, Sweden and the United Kingdom of Great Britain and Northern Ireland had become sponsors of draft resolution A/C.3/51/L.68, entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)". The draft resolution had no programme budget implications.

22. Mr. KUEHL (United States of America) said that some changes had been made to the draft resolution by its sponsors: in the thirteenth preambular paragraph, the words "the relevant successor States of the former Yugoslavia" had been replaced with the words "all parties to the Peace Agreement"; the fourteenth preambular paragraph had been replaced with two new preambular paragraphs drawn from General Assembly resolution 50/193:

"Encouraging the international community, acting through the United Nations and other international organizations as well as bilaterally, to enhance significantly humanitarian support for the people of the region and promote

human rights, economic reconstruction, the repatriation of refugees and the holding of free elections in Bosnia and Herzegovina,

Welcoming the efforts of the European Union to promote respect for human rights and fundamental freedoms, and endorsing the Special Rapporteur's recommendation that economic and other aid must be made conditional on meaningful progress on human rights,".

The end of the last preambular paragraph should read: "especially resolutions 1009 (1995) of 10 August 1995 and 1079 (1996) of 15 November 1996,"; and in paragraph 11, the words "free determination and full participation by" had been deleted and the words "to participate freely and fully" had been inserted between the words "in Kosovo" and the words "in the political ...".

23. Mr. MATESIC (Croatia) reserved the right to make a general statement on the draft resolution in the plenary Assembly.

24. Mr. BYRNE (Ireland), speaking on behalf of the European Union, said that while the European Union endorsed the proposed text, it nevertheless had reservations with respect to the designation "Federal Republic of Yugoslavia (Serbia and Montenegro)", which had not been used by the Special Rapporteur and was not in conformity with the General Framework Agreement for Peace in Bosnia and Herzegovina (the Dayton Agreement), Security Council resolutions or the conclusions of the meeting of the Steering Board and of the Presidency of Bosnia and Herzegovina held in Paris on 14 November 1996. That designation should not create a precedent.

25. Mr. BUSHMARINOV (Russian Federation) proposed that a new preambular paragraph should be inserted after the second preambular paragraph, to read:

"Reaffirming the territorial integrity of Croatia, Bosnia and Herzegovina and the Federal Republic of Yugoslavia,".

26. Mr. KUEHL (United States of America) said that he was categorically opposed to the amendment proposed by the representative of the Russian Federation, since there was nothing in the draft resolution that called into question the territorial integrity of the States mentioned.

27. Mr. KONDI (Albania) said that he objected to the introduction, at such a late stage, of an amendment of that kind, which was not justified in a resolution concerning human rights.

28. Mr. BYRNE (Ireland), speaking on behalf of the European Union, proposed that action on the amendment proposed by the representative of the Russian Federation should be deferred.

29. Mr. HOLMES (Canada) endorsed the proposal by the representative of Ireland.

The meeting was suspended at 4.35 p.m. and resumed at 5.25 p.m.

Draft resolution A/C.3/51/L.40

30. The CHAIRMAN announced that Andorra, Argentina, the Czech Republic, Israel, Japan, Poland, San Marino and the United States of America had become sponsors of draft resolution A/C.3/51/L.40, entitled "Situation of human rights in Iraq". Kyrgyzstan was not a sponsor of the draft resolution.

31. Ms. NEWELL (Secretary of the Committee) said that the sponsors of the draft resolution had made the following changes: paragraph 4 had been deleted; in paragraph 12, the word "subcommittees" should be in the singular.

32. Mr. AL-HUMAIMIDI (Iraq) refuted in detail the charges levelled against his Government in the draft resolution, especially in the fifth, sixth, seventh and eighth preambular paragraphs and in paragraphs 2, 3, 5, 6, 7, 10 and 12. Iraq had complied fully with Security Council resolutions 687 (1991), 688 (1991) and 986 (1995). It was cooperating closely with humanitarian organizations, including the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and various governmental and non-governmental organizations; it had also cooperated with the United Nations in arriving at the "food for oil" formula. He reaffirmed his Government's commitment to implementing the memorandum of understanding which it had reached with the Secretary-General in May 1996 and regretted deeply that the United States of America was impeding the implementation of the memorandum, thereby making itself responsible for the suffering of the Iraqi people. His Government was nevertheless making every effort to ensure that foodstuffs were distributed efficiently and equitably throughout the country, as the Food and Agriculture Organization of the United Nations (FAO), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), among others, had explicitly noted.

33. Moreover, as the decrees prescribing punishment for certain offences had been abrogated, the Government was cooperating unreservedly with United Nations bodies, to which it was regularly submitting the reports requested. However, the Special Rapporteur of the Commission on Human Rights, who was systematically hostile to Iraq, never took the trouble to verify whether his allegations were well founded and took no account of the progress it had achieved in establishing democracy and protecting human rights. Iraq was categorically opposed to the stationing of human rights monitors in its territory, which would amount to serious interference in its internal affairs. It cooperated with the Tripartite Commission and its subcommittee by providing them with all the information it had in order to help them trace Kuwaitis reported missing after the Gulf War. Denouncing the political and biased nature of the draft resolution, which was designed to allow interference in Iraq's internal affairs more than to promote human rights, he requested a recorded vote and invited all Member States to vote against the proposed resolution or to abstain.

34. Mr. WISSA (Egypt), reserving the right to make a general statement in the plenary Assembly, said that he would abstain from voting. Deeply committed to fundamental rights and freedoms - which should be protected by all countries without exception - Egypt requested Iraq to respect those rights and to release immediately all Kuwaitis who were still detained. However, it should be noted that the Commission on Human Rights tended to take action on the basis of criteria that were not very objective and to exceed its mandate, particularly in

regard to the sending of human rights monitors to Iraq, which required the prior agreement of the country concerned. Categorically opposed to any interference in the internal affairs of States, Egypt could in no way approve a measure that was likely to infringe on the territorial integrity of Iraq.

35. Mr. REYES RODRIGUEZ (Cuba) said that the sanctions imposed against Iraq were having a serious impact on the country's people, particularly on the most vulnerable groups. In recent months the situation had deteriorated still further. While the international community was seeking to resolve the situation together with Iraq, the United States, which considered itself the "policeman of the world" was renewing its aggressive stance towards Iraq, against which it was taking action contrary to the Charter of the United Nations and to international law. His Government, which was deeply committed to the principles governing international relations, reaffirmed that the independence, sovereignty and territorial integrity of all States must be respected without exception. That was not the thrust of the draft resolution; it served neither the cause of peace nor that of human rights.

36. Mr. AL-HUMAIMIDI (Iraq) reaffirmed that there were no Kuwaiti prisoners in Iraq and that his Government was duly assisting the search for the Kuwaitis reported missing.

37. Ms. AL-AWADI (Kuwait), speaking on a point of order, stressed that the Secretary-General himself had noted in his most recent report on the work of the Organization (A/51/1) that Iraq was still holding more than 600 prisoners, including Kuwaitis.

38. Mr. AL-HUMAIMIDI (Iraq), speaking on a point of order, noted that the remarks of the representative of Kuwait were not merely procedural, contrary to what she had indicated.

39. Ms. AL-AWADI (Kuwait) replied that, since the representative of Iraq did not have the right to vote, he was not authorized to make a statement either.

40. The CHAIRMAN confirmed that the representative of Iraq had the right to make a statement.

41. At the request of the representative of Iraq, a recorded vote was taken on draft resolution A/C.3/51/L.40.

In favour: Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Barbados, Belarus, Belgium, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Fiji, Finland, France, Gambia, Georgia, Germany, Greece, Guatemala, Guyana, Haiti, Honduras, Hungary, Iceland, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kuwait, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway,

Paraguay, Peru, Poland, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Swaziland, Sweden, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Uzbekistan, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Sudan.

Abstaining: Afghanistan, Algeria, Bahrain, Bangladesh, Benin, Brunei Darussalam, Burkina Faso, Burundi, Cape Verde, China, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gabon, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Jordan, Kenya, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Malaysia, Mali, Mauritania, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Sierra Leone, Singapore, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zimbabwe.

42. Draft resolution A/C.3/51/L.40 was adopted by 102 votes to 2, with 51 abstentions.

43. Mr. SOUSA (Portugal) wished the record to reflect that his delegation was in favour of the draft resolution.

44. Mr. MEKDAD (Syrian Arab Republic) explained that he had abstained from voting because beyond the fact that the draft resolution did not objectively reflect the situation prevailing in Iraq, it again raised the question of sending human rights monitors there. And yet, like the creation of a security zone in the north of the country, the presence of such monitors would constitute interference in the internal affairs of Iraq, a threat to its territorial integrity and a derogation of the principles of the Charter of the United Nations.

45. Mr. WAHBI (Sudan) said that he had voted against the proposed text because it was based on political considerations. It was to be hoped that Kuwait and Iraq would arrive at a negotiated solution that would preserve their unity and territorial integrity, which Sudan considered inviolable.

46. Ms. AL-AWADI (Kuwait) requested permission to speak in order to explain her delegation's vote in favour of the draft resolution.

47. The CHAIRMAN said that, as a sponsor of the proposed text, the Kuwaiti delegation could not speak in explanation of vote but rather could make a general statement only.

48. Ms. AL-AWADI (Kuwait) said that the presence of Kuwaiti prisoners in Iraq was confirmed by the Secretary-General himself, who noted that "more than 600 Kuwaiti and third-country nationals [were] still missing in Iraq" (A/51/1,

para. 829) and that "the easing or lifting ... of sanctions against Iraq ... [was] blocked by [its] continuing failure to comply with a number of obligations in the relevant Security Council resolutions" (para. 807). As the International Committee of the Red Cross had noted with great disappointment, the Tripartite Commission responsible for the question of military and civilian prisoners of war reported missing had not achieved any concrete results in the meeting it had held in Geneva on 16 and 17 October 1996.

Draft decision A/C.3/51/L.43 and draft resolution A/C.3/51/L.44

49. The CHAIRMAN, based on the positions taken during in-depth consultations held on draft decision A/C.3/51/L.43 and draft resolution L.44, both of which concerned the situation of human rights in Estonia and Latvia, proposed a draft decision with the following text:

"The General Assembly, having concluded the consideration of the question on the basis of the information provided by the United Nations High Commissioner for Human Rights, on behalf of the Secretary-General, pursuant to its resolution 48/155 entitled "Situation of human rights in Estonia and Latvia", welcomes and encourages the activities undertaken and being undertaken in this regard by relevant regional and international organizations, including the Organization for Security and Cooperation in Europe, as well as the measures by the Governments of Estonia and Latvia in implementation of the recommendations of those organizations.

50. The draft decision proposed by the Chairman was adopted.

The meeting rose at 6.20 p.m.